



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: )  
**Alexander K. Mills** )  
 )  
FOR: **METHOD FOR NONINVASIVE** )  
**CONTINUOUS DETERMINATION** )  
**OF PHYSIOLOGIC** )  
**CHARACTERISTICS** )  
 )  
SERIAL NO. **10/008,245** )  
 )  
FILED: **November 7, 2001** )  
 )  
ART UNIT NO: **3736** )  
 )  
EXAMINER: **M. J. Kremer** )  
 )  
Attorney Docket No: **WT-02-004C** )

C O P Y

**COMBINED DECLARATION AND**  
**POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

As below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

- ☐ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☒ **XX** continuation-in-part

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship is as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR NONINVASIVE CONTINUOUS  
DETERMINATION OF PHYSIOLOGIC CHARACTERISTICS**

**SPECIFICATION IDENTIFICATION**

the specification of which:

- (a) \_\_\_\_\_ is attached hereto.
- (b) XXX was filed on November 7, 2001  
Application Serial No. 10/008,245  
and was amended on \_\_\_\_\_
- (c) \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
\_\_\_\_\_ filed on \_\_\_\_\_ and  
as amended under PCT Article 19 on \_\_\_\_\_.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS  
AND DUTY OF CANDOR**

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

XXX which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

XXX and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

\_\_\_\_\_ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR §1.98.

**PRIORITY CLAIM (35 U.S.C. §§ 119(a)-(d))**

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

XX no such applications have been filed.

     such applications have been filed as follows.

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
Not Applicable			<u>    </u> Yes <u>    </u> No <u>    </u>
			<u>    </u> Yes <u>    </u> No <u>    </u>
			<u>    </u> Yes <u>    </u> No <u>    </u>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER  
09/684,104

FILING DATE  
October 6, 2000

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I/we acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow

the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 120
Not Applicable			___ Yes ___ No ___
			___ Yes ___ No ___
			___ Yes ___ No ___

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Not Applicable

**POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**RALPH C. FRANCIS**  
**FRANCIS LAW GROUP**  
**1808 Santa Clara Avenue**  
**Alameda, CA 94501**  
 Reg. No. 38,884  
 Tel No.: (510) 769-9800

\_\_\_ Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

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**RALPH C. FRANCIS**  
 Reg. No. 38,884

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

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**RALPH C. FRANCIS**  
Reg. No. 38,884

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**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURES**

Full name of inventor: **ALEXANDER K. MILLS**

Inventor's signature Alexander K. Mills

Date: 6/10/03 Country of Citizenship: Canada

Residence: 9010 Callaghan, San Antonio, TX 78230

Post Office Address: \_\_\_\_\_

\_\_\_\_ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

Number of pages added \_\_\_\_.

\* \* \*

\_\_\_\_ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

Number of pages added \_\_\_\_

\* \* \*

\_\_\_\_ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

\_\_\_\_ Number of pages added \_\_\_\_

\* \* \*

\_\_\_\_ Authorization of attorney(s) to accept and follow instructions from representative.

\* \* \*

X This Declaration ends with this page.

I hereby certify that this document is being deposited with the United States Postal Service on this date 6-19-03  
in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number E1348079055 US addressed to the  
Assistant Commissioner for Patents, Washington, D.C. 20231.

Danielle Gragg  
Name of person mailing document

Danielle Gragg